This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently amended) An isolated nucleic acid molecule encoding amino acid SEQ ID NO:4 ~~from *Magnaporthe grisea* strain 2539 comprising a segment of chromosome 1 approximately 1 kb in size and containing at least one open reading frame, the segment conferring rice cultivar CO39 specific avirulence to fungal plant pathogens that contain the nucleic acid, wherein the nucleic acid molecule hybridizes with SEQ ID NO:1 or its complement under hybridization conditions comprising hybridization for at least 6 hours at 42°C in 5X SSC, 5X Denhardt's reagent, 1.0% SDS, 100 µg/ml denatured, fragmented salmon sperm DNA, 0.05% sodium pyrophosphate and 50% formamide and washing conditions comprising 5 minutes at room temperature in 2X SSC and 1% SDS, followed by 15 minutes at room temperature in 2X SSC and 0.1% SDS; followed by 30 minutes to 1 hour at 37°C in 2X SSC and 0.1% SDS, followed by 2 hours at 55°C in 2X SSC and 0.1% SDS~~.

2. Canceled.

3. (Currently amended) The nucleic acid molecule of claim 1 ~~2~~, comprising nucleotides 582-850 ~~a portion~~ of SEQ ID NO:1~~, wherein the portion is an open reading frame located between nucleotides 582 and 850~~.

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4. (Currently amended) The nucleic acid molecule of claim 1, comprising SEQ ID NO:1 ~~which encodes a polypeptide having the features of a polypeptide comprising SEQ ID NO:4~~.

5. Canceled.

6. (Previously presented) A vector for transforming cells, comprising the nucleic acid molecule of claim 1.

7. (Previously presented) A fungal or bacterial cell transformed with the vector of claim 6.

8. Canceled.

9. (Currently amended) The ~~fungal or bacterial~~ cell of claim 7, which is an epiphytic bacterial cell.

10-24. Canceled

25. (Currently amended) A transgenic epiphytic bacterium comprising a construct comprising an isolated nucleic acid molecule that encodes amino acid SEQ ID NO:4 ~~that expresses a portion of an isolated nucleic acid molecule from Magnaporthe grisea strain 2539~~

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~~comprising a segment of chromosome 1 approximately 1 kb in size and containing at least one open reading frame, the segment conferring rice cultivar CO39 specific avirulence to fungal plant pathogens that contain the nucleic acid, wherein the nucleic acid molecule hybridizes with SEQ ID NO:1 or its complement under hybridization conditions comprising hybridization for at least 6 hours at 42°C in 5X SSC, 5X Denhardt's reagent, 1.0% SDS, 100 μg/ml denatured, fragmented salmon sperm DNA, 0.05% sodium pyrophosphate and 50% formamide and washing conditions comprising 5 minutes at room temperature in 2X SSC and 1% SDS, followed by 15 minutes at room temperature in 2X SSC and 0.1% SDS; followed by 30 minutes to 1 hour at 37°C in 2X SSC and 0.1% SDS, followed by 2 hours at 55°C in 2X SSC and 0.1% SDS~~.

26 - 29. Canceled.